

REMARKS

This Response, submitted in reply to the Office Action dated November 25, 2008, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-14 and 17-19 are all the claims pending in the application.

I. Objections to Specification

The Examiner objected to the Specification as failing to provide proper antecedent basis for the claimed subject matter. The Examiner states that “computer readable medium” has not been disclosed in the specification, therefore, a person of ordinary skill in the art would not deduce what this medium encompasses.

Applicant submits that, for example, claim 8 as originally filed in the Applicant’s disclosure recites “a computer readable medium”. Therefore, the Applicant’s disclosure clearly supports a computer readable medium.

Therefore, Applicant requests that the objection to the specification be withdrawn.

II. Claim Rejections Under 35 U.S.C. § 101

The Examiner rejected claims 5-7 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. The Examiner suggests incorporating hardware elements into claim 5 so that the system of claims 5-7 is a combination of software and hardware which would be considered statutory.

Applicant has amended claim 5 to recite a database which Applicant submits is sufficient hardware.

Therefore, Applicant requests that the 35 U.S.C. § 101 rejection be withdrawn.

III. Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1-10 and 18-19 under 35 U.S.C. § 102(b) as being anticipated by Aybay, et al. (US Patent No. 6,044,061), hereinafter “Aybay.”

As discussed above, the Examiner suggests amending independent claim 1 to clarify that the Applicant’s invention “exclusively” contains data update requests. Applicant has amended claim 1 as suggested by the Examiner. Further, Applicant has amended independent claims 5 and 8 similar to claim 1. Therefore, the rejection of claims 1, 5 and 8 and their dependent claims should be withdrawn.

Further, Aybay does not teach the claimed elements as discussed below.

Claim 1

Claim 1 is directed to a method for processing a multiplicity of data update requests made by a customer. Aybay is directed to the scheduling of variable-size data packets in an input buffered multipoint switch. Specifically, Aybay is directed to, for example, networks for the transfer of voice, video and data between network devices. See Background of the Invention. Aybay is merely concerned with the transfer of data. Aybay is not directed to the processing of data update requests. The processing of data packets as disclosed in Aybay is not the same as the processing of data update requests made by a customer, as claimed. For at least this reason, Aybay does not anticipate claim 1.

Claim 1 further recites:

“grouping all of said **data update requests** which is followed by **updating of the corresponding data** into a predetermined plurality of blocks for execution by a data processor, **the data update requests** within each of said blocks and from one of said blocks to a next one of said blocks **being arranged in an order that said data update**

requests need to be executed to yield a proper data result, each of said blocks having approximately a same capacity for said data update requests, said capacity corresponding to a number of said data update requests which said data processor is adapted to efficiently process in order before processing said data update requests in the next one of said blocks; and

then said data processor processing said data update requests within said one block in said order, and then said data processor processing said data update requests within said next block in said order."

Aybay discloses in Fig. 15, a multilevel in-parallel arbitration process. L0 is designated high packet priority and channel 0 has the highest round-robin priority. In the first clock phase, the four requests, L0-L3, for CH0 are arbitrated. See col. 13, lines 1-10. Further, Aybay discloses that level-specific sub-scheduling units utilize a round-robin arbitration scheme to guarantee fairness from requests of the same priority level. Under the round-robin scheme, channel 0 is initially designated as having the highest round-robin channel priority and channel 15 is designated as having the lowest round-robin priority. Once the channel with the highest round-robin priority receives a grant, the highest round-robin priority designation is rotated to the next input channel with the pending request. See col. 10, lines 29-50.

However, contrary to the Examiner's assertion, Aybay is not at all concerned with data update requests and the processing of data update requests in blocks of a determined order. Specifically, there is no teaching or suggestion of grouping all of the data update requests which is followed by updating of the corresponding data into a predetermined plurality of blocks for execution by a data processor. Aybay merely discloses grouping requests according to a first in, first out priority scheme. There is no teaching or suggestion that data update requests are grouped into a predetermined plurality of blocks for execution by a data processor. Aybay is

merely directed to grouping requests in a request buffer. See col. 3, lines 10-15. Aybay is not at all concerned with blocks as disclosed in the Applicant's specification. See for example, page 9, first full paragraph of the Applicant's specification which describes the blocks of the Applicant's specification.

During examination the USPTO must give claims their broadest reasonable interpretation in light of the specification. See MPEP 2111.01. In the present situation, the Examiner appears to be disregarding a feature of the Applicant's invention which includes blocks and the processing of data update requests based on blocks.

There is no teaching or suggestion that the data update requests within each of the blocks and from one of the blocks to a next one of the blocks is arranged in an order that said data update requests need to be executed to yield a proper data result. Specifically, Aybay is not concerned with data update requests or the execution of data update request to yield a proper data result. Aybay merely discloses the processing of requests according to time, such as first in, first out.

Moreover, there is no teaching or suggestion in Aybay that each block (e.g., Fig. 15, RQ_CH0 which appears to be cited by the Examiner for teaching the claimed block) has approximately a same capacity for data update requests.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent independent claims 5 and 8 recite similar subject matter, claims 5 and 8 and their dependent claims should be deemed allowable for at least the same reasons.

Claim 19

Claim 19 recites “wherein said blocks are grouped into a package according to a common key among the blocks.” The Examiner asserts that col. 10, lines 15-18 of Aybay teaches this aspect of the claim. The portion of Aybay cited by the Examiner describes Fig. 8 and the functional blocks of the scheduler 132. However, this portion of Aybay does not pertain to the request buffers as illustrated in Fig. 1, which the Examiner asserts teaches the claimed blocks. See pages 9 and 10 of the Office Action.

Further, there is no teaching or suggestion that the request buffers, which store the requests, are grouped into a package. Again, Applicant submits that the claims should be interpreted in light of the Applicant’s specification, and Aybay does not teach packages as disclosed in the Applicant’s disclosure. See, for example, page 9, first full paragraph, of the Applicant’s specification. Further, there is no teaching or suggestion that blocks are grouped into a package according to a common key.

For at least the above reasons, claim 19 should be deemed allowable.

IV. Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 11, 12-14 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Aybay in view of In re Harza, 274F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960).

To the extent claim 11 recites subject matter similar to claim 1, claim 11 and its dependent claims should be deemed allowable for at least the same reasons. Further, claim 17 should be deemed allowable by virtue of its dependency to claim 1 for at least the reasons set forth above.

Further, Applicant has amended claim 11 to clarify that the grouping of the second data update requests is performed after the grouping of the first data requests. The Examiner confirmed that defining a relationship between the grouping of the first data and the grouping of the second data would clarify that the steps are not merely duplicative.

In rejecting claim 11, the Examiner concedes that Aybay does not teach or suggest the claimed second data update requests, however, the Examiner asserts that it would be obvious to duplicate the request collecting step. The Examiner reasons that the mere duplication of essential working steps involves only routine skill in the art, citing *In re Harza*.

However, contrary to the Examiner's assertions, Applicant submits that Applicant's claim is not merely directed to the duplication of parts. Specifically, claim 11 discloses the relationship between a group of first data update requests and a group of second data update requests. Applicant's claim clearly distinguishes the processing of a first group of data update requests from a second group of data update requests. The first group of data update requests are not being processed twice or merely duplicated, as suggested by the Examiner.

On page 11 of the Office Action, the Examiner states that each grouping can be performed in the same manner, thus there is nothing unique about a subsequent grouping. However, contrary to the Examiner's assertions, first data update requests are grouped by the first data processor unit and second data update requests are grouped by the second data processor. Different data update requests are grouped by the first data processor and the second data processor. Therefore, the groupings performed are distinctly different.

For at least the above reasons, claim 11 and its dependent claims should be deemed allowable.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Ruthleen E. Uy/

Ruthleen E. Uy
Registration No. 51,361

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 17, 2009